

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

B.P., et al.,

Plaintiffs,

v.

No: 2:23-cv-00071-TRM-JEM

CITY OF JOHNSON CITY, TENNESSEE, et al.,

Defendants.

/

**DECLARATION OF VANESSA BAER-JONES IN SUPPORT OF PLAINTIFFS'
MOTION FOR LEAVE TO AMEND COMPLAINT**

TO THE COURT AND ITS ATTORNEYS OF RECORD:

I, Vanessa Baehr-Jones, declare under penalty of perjury that the foregoing is true and correct:

1. I am over twenty-one years of age and am competent in all respects to give this Declaration. This Declaration is given freely and voluntarily. I have personal knowledge of the matters herein and could, and would, testify competently thereto under penalty of perjury.
2. I am lead counsel for Plaintiffs B.P., et al., in the above-referenced case. I am a licensed attorney in good standing in the State of California (CABN 281715) and admitted to appear *pro hac vice* in this District.
3. On December 12, 2023, Plaintiffs sought leave to file a second amended complaint, which sought to add class action allegations on behalf of two proposed classes under Federal Rule of Civil Procedure 23, withdraw certain named plaintiffs, add a class representative, add factual allegations discovered in the preceding three months, and

name additional defendants, Brady Higgins, Justin Jenkins, and Jeff Legault. ECF 93; 93-1. At this point, no discovery in the case had been conducted.

4. On May 22, 2024, Plaintiffs took the deposition of Defendant Brady Higgins, after Plaintiffs filed their Omnibus Opposition to Defendants' Motion to Dismiss (ECF 176). This deposition and other discovery adduced after May 1, 2024 supported his dismissal from the case.
5. Attached as Exhibit 1 is a true and correct redacted copy of the Third Amended Complaint. Counsel for the Parties have met and conferred regarding the allegations in the Third Amended Complaint.
6. Attached as Exhibit 2 is a true and correct copy of the New Facts Chart.
7. Attached as Exhibit 3, and filed provisionally under seal, is a true and correct copy of video footage taken on September 19, 2020, produced by Defendant City as CITY-77501. Counsel for Defendants have designated Exhibit 3 as "Confidential." or "Attorneys' Eyes Only," and have not agreed to file redacted versions publicly. Plaintiffs' counsel will meet and confer with counsel for the City.
8. Attached as Exhibit 4 is a true and correct copy of the email Toma Sparks forwarded to Kevin Peters regarding Kateri Dahl. This document has been filed publicly in the action *Dahl v. Turner*, 2:22-cv-00072-KAC-JEM.
9. Attached as Exhibit 5 is a true and correct copy of Jeff Legault's December 11, 2020 email to Karl Turner regarding the cases assigned to Kateri Dahl. This document has been filed publicly in the action *Dahl v. Turner*, 2:22-cv-00072-KAC-JEM.
10. Attached as Exhibit 6, and filed provisionally under seal, is a true and correct copy of a December 5, 2020 email from Officer Will Saulsbury to Defendant Kevin Peters.

Counsel for Defendants have designated Exhibit 6 as “Confidential” and have not agreed to file redacted versions publicly. Plaintiffs’ counsel will meet and confer with counsel for the City.

11. Plaintiffs’ counsel has met and conferred with counsel for the City. The City objected to publicly filing photos from any Sean Williams case that is subject to open investigation. Plaintiffs do not agree that these records must be sealed and believe that Defendants have not made a particularized showing as to the need for under seal filing. Because of the dispute, Plaintiffs provisionally file these under seal pending the Court’s ruling. Personally identifiable information referenced in cited financial records has been redacted to protect individuals’ privacy.
12. At the September 6, 2024 hearing, Plaintiffs’ counsel explained to Judge McCook that they had recently received the Court’s August 21, 2024 order on the Defendants’ motions to dismiss (ECF 301) and that it was Plaintiffs’ intent to reassert the dismissed claims against Peters and Jenkins based on new evidence recently obtained.

Dated: November 1, 2024

Respectfully submitted,

/s/ Vanessa Baehr-Jones
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Attorneys for Plaintiffs and Proposed Classes

CERTIFICATE OF SERVICE

I HEREBY certify that a copy of the foregoing has been filed and served via the court's electronic filing system on November 1, 2024 to counsel of record:

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/s/ Vanessa Baehr-Jones
Vanessa Baehr-Jones